

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IRYNA ZHYRIADA,	:	
	:	
Plaintiff(s)	:	
	:	Civil Action No. 2:19-cv-05703-PBT
v.	:	
	:	
HEALTHCARE REVENUE RECOVERY	:	JURY TRIAL DEMANDED
GROUP, LLC; and DOES 1 through 10,	:	
inclusive,	:	
	:	
Defendant(s).	:	

**DEFENDANT HEALTHCARE REVENUE RECOVERY GROUP, LLC’S
ANSWER TO PLAINTIFF’S COMPLAINT,
AFFIRMATIVE DEFENSES AND DEMAND FOR JURY**

Defendant, Healthcare Revenue Recovery Group, LLC (“Defendant” and/or “HRRG”), by and through its undersigned counsel, answers Plaintiff Iryna Zhyriada’s (“Plaintiff”) Class Action Complaint (“Complaint”) and states as follows:

INTRODUCTION

1. Denied. All of the allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.
2. Denied. All of the allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.
3. Denied. All of the allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.
4. Denied.

PARTIES

5. Denied. Defendant is without knowledge or information sufficient to form a belief

as to the truth of the allegations set forth in this paragraph of Plaintiff's Complaint, and therefore denies the same. All of the remaining allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

6. Denied. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph of Plaintiff's Complaint, and therefore denies the same. The remaining allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

7. Admitted in part; denied in part. Defendant admits that it has an office in Florida. Defendant admits, under certain circumstances, it may fall under the definition of "debt collector" as that term is defined by 15 U.S.C. § 1692a(6). However, Defendant lacks sufficient knowledge to admit or deny the allegation that it is a "debt collector" or engaged in collecting "debts" in the present case, and further states that this allegation calls for a legal conclusion regarding the definition of the cited statute. Therefore, Defendant denies the same and demands strict proof thereof. All of the remaining allegations in this paragraph, if any, are denied.

8. Denied. The terms of Defendant's website speak for themselves.

9. Denied. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph of Plaintiff's Complaint, and therefore denies the same. The remaining allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

10. Denied.

11. Admitted in part; denied in part. Defendant admits, under certain circumstances, it may fall under the definition of "debt collector" as that term is defined by 15 U.S.C. § 1692a(6). However, Defendant lacks sufficient knowledge to admit or deny the allegation that it is a "debt

collector” or engaged in collecting “debts” in the present case, and further states that this allegation calls for a legal conclusion regarding the definition of the cited statute. Therefore, Defendant denies the same and demands strict proof thereof. All of the remaining allegations in this paragraph, if any, are denied.

12. Admitted in part; denied in part. Defendant admits, under certain circumstances, it may fall under the definition of “debt collector” as that term is defined by 15 U.S.C. § 1692a(6). However, Defendant lacks sufficient knowledge to admit or deny the allegation that it is a “debt collector” or engaged in collecting “debts” in the present case, and further states that this allegation calls for a legal conclusion regarding the definition of the cited statute. Therefore, Defendant denies the same and demands strict proof thereof. All of the remaining allegations in this paragraph, if any, are denied.

13. Denied. All of the allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

JURISDICTION AND VENUE

14. Denied. All of the allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

15. Denied. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph of Plaintiff’s Complaint, and therefore denies the same. The remaining allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

STATEMENT OF CLAIMS

BACKGROUND

16. Denied. Defendant is without knowledge or information sufficient to form a belief

as to the truth of the allegations set forth in this paragraph of Plaintiff's Complaint, and therefore denies the same.

17. Denied. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph of Plaintiff's Complaint, and therefore denies the same.

18. Denied. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph of Plaintiff's Complaint, and therefore denies the same.

19. Denied. Exhibit "A" is a document which speaks for itself. The remaining allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

20. Denied. All of the allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

21. Denied. All of the allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

22. Denied. Exhibit "A" is a document which speaks for itself.

23. Denied. Exhibit "A" is a document which speaks for itself. The remaining allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

24. Denied. Exhibit "A" is a document which speaks for itself. The remaining allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

25. Denied. The allegations in this paragraph, if any, are denied as they call for a legal

conclusion to which no response is required.

26. Denied. All of the allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

27. Denied. All of the allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

28. Denied. All of the allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

29. Denied. All of the allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

30. Denied. All of the allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

31. Denied. All of the allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

32. Denied. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph of Plaintiff's Complaint, and therefore denies the same. The remaining allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

33. Denied. The allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

34. Denied. The allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

35. Denied. The allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

36. Denied. All of the allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

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51. Denied. All of the allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

52. Denied. All of the allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

53. Denied. All of the allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

54. Denied. All of the allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

55. Denied. All of the allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

56. Denied.

57. Denied.

58. Denied.

59. Denied. All of the allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

CLASS ACTION ALLEGATIONS

60. Denied. All of the allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

61. Denied. All of the allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

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70. Denied. All of the allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

71. Denied. All of the allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

COUNT I

72. All allegations incorporated by reference in this paragraph of Plaintiff's Complaint are admitted and denied in the same manner and to the same extent as said allegations are otherwise admitted and denied herein.

73. Denied. All of the allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

74. Denied. All of the allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

75. Denied. All of the allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

76. Denied. All of the allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

77. Denied. All of the allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

COUNT II

78. All allegations incorporated by reference in this paragraph of Plaintiff's Complaint are admitted and denied in the same manner and to the same extent as said allegations are otherwise admitted and denied herein.

79. Denied. All of the allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

80. Denied. All of the allegations in this paragraph, if any, are denied as they call for

a legal conclusion to which no response is required.

81. Denied. All of the allegations in this paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

PRAYER FOR RELIEF

WHEREFORE, Defendant requests that this Court dismiss Plaintiff's Complaint in its entirety with prejudice, and award Defendant its reasonable attorney's fees and costs incurred in defending this action. Defendant further requests that this Court deny any other requested damages, fees, costs, other legal and equitable relief, and award such other relief as the Court deems just and equitable.

JURY DEMAND

Defendant demands a jury pursuant to Fed. R. Civ. P. 38 for all issues so triable.

AFFIRMATIVE DEFENSES

1. Plaintiff has failed to state a claim upon which relief can be granted.
2. Plaintiff's claims may be barred by the statute of limitations.
3. Any violation of law by Defendant, which is specifically denied, was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.
4. Plaintiff failed to mitigate any damages which Plaintiff may have suffered.
5. Plaintiff has suffered no compensable damages.
6. Plaintiff has suffered no ascertainable loss of money or property.
7. Defendant affirmatively alleges that Plaintiff's claims are barred by a lack of standing under Article III of the U.S. Constitution. *See Spokeo Inc. v. Robins*, 136 S. Ct. 1540, 1544-50 (2016).

8. Defendant affirmatively alleges that Plaintiff's claims are barred by the absence of an actual or imminent injury that is concrete and particularized. *See Spokeo Inc.*, 136 S. Ct. at 1544-50.

9. The purported class is not so numerous as to make joinder of all members impracticable.

10. The purported class is not ascertainable.

11. The questions of law or fact are not common to the purported class.

12. The claims and defenses of Plaintiff are not typical of the claims and defenses of the purported class.

13. Plaintiff and Plaintiff's counsel cannot fairly and adequately protect the interests of the purported class.

14. Prosecution of separate actions by individual members of the purported class would not create a risk of inconsistent or varying adjudications with respect to individual members of the purported class that would establish incompatible standards of conduct for Defendant.

15. Prosecution of separate actions by individual members of the purported class would not create a risk of adjudications with respect to individual members of the purported class which would as a practical matter be dispositive of the interests of the other members not parties to the adjudications or substantially impair or impede their ability to protect their interests.

16. Defendant's alleged conduct is not generally applicable to the purported class.

17. This case should not be designated as a related case with *Hermine Byfield v. Healthcare Revenue Recovery Group, LLC and Does 1 through 10*, Civil Action No. 2:18-cv-00243-PBT ("Byfield"). This case should be severed from being a related case with *Byfield*.

18. Defendant respectfully reserves the right to assert any additional affirmative defenses that may be revealed during the course of discovery.

KAUFMAN DOLOWICH & VOLUCK, LLP

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Attorneys for Defendant Healthcare Revenue
Recovery Group, LLC

Dated: January 27, 2020

CERTIFICATE OF SERVICE

I, RICHARD J. PERR, ESQUIRE, hereby certify that on this date I served a true and correct copy of the foregoing electronically via the Court's CM/ECF system on the following:

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Attorneys for Plaintiff

/s/ Richard J. Perr

RICHARD J. PERR, ESQUIRE

Dated: January 27, 2020